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Security Council

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Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 12 October 2005 from the Permanent Representative of Germany to the United Nations addressed to the Chairman of the Committee

With reference to your letter dated 18 July 2005, I herewith transmit the requested additional responses of the German Government to its report, pursuant to Security Council resolution 1540 (2004).

(*Signed*) Gunter **Pleuger**
Permanent Representative

05-56084 (E) 081105

Annex to the letter dated 12 October 2005 from the Permanent Representative of Germany to the United Nations addressed to the Chairman of the Committee

OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

State: **Germany**

Date of Report: **26 October 2004**

	Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements ?	YES	If YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc)	Remarks (information refers to the page of the English version of the report or an official web site)
1	General statement on non-possession of WMD			
2	General statement on commitment to disarmament and non-proliferation	X	Firmly committed to its obligations within international institutions and conventions, i.e. ... NPT, CWC, BWC, etc EU Strategy against Proliferation of WMD of December 2003	pages 4 and 16 of the report
3	General statement on non-provision of WMD and related materials to non-State actors	X	Does not provide any support to non-State actors	page 4 of the report
4	Biological Weapons Convention (BWC)	X	***ratified by a federal ratification act dated 21 Feb 1982***	page 4 of the report
5	Chemical Weapons Convention (CWC)	X	***ratified by a federal ratification act dated 5 July 1994***	pages 4, 6 and 18 of the report
6	Nuclear Non-Proliferation Treaty (NPT)	X	Ratified on 04 June 1974	pages 4 and 6 of the report
7	Comprehensive Nuclear Test Ban Treaty (CTBT)	X	*Deposit 20 August 1998*	*http://disarmament.un.org:8080/TreatyStatus.nsf*
8	Convention on Physical Protection of Nuclear Material (CPPNM)	X	*In force 06 October 1991*	*http://www.iaea.org/Publications/Documents/Conventions/cpp*
9	Hague Code of Conduct (HCOC)	X	*Signed 25 November 2002*	*http://www.minbuza.nl/default.asp?CMS_ITEM=858DD6DAE*
10	Geneva Protocol of 1925	X	*Deposit 25 April 1929*	*http://disarmament.un.org:8080/TreatyStatus.nsf*
11	International Atomic Energy Agency (IAEA)	X	***Deposit 1 October 1957***	page 4 of the report
12	Nuclear Weapons Free Zone/ Protocol(s)			
13	Other Conventions/Treaties	X	EURATOM Treaty	page 8 of the European Union (EU) report

14	Other Arrangements	X	1. Nuclear Suppliers Group (NSG) 2. Missile Technology Control Regime (MTCR) 3. Australia Group (AG) 4. Proliferation Security Initiative (PSI) *5. Wassenaar Arrangement (WA)* *6. Zangger Committee (ZC)*	*http://www.wassenaar.org/welcomepage.html* pages 12 and 21 of the report *http://www.zanggercommittee.org/Zangger/Members/default.htm*
15	Other	X	1. EU Council Decision to include WMD provisions in Agreements with third countries 2. NATO Senior Group on Proliferation Issues (SGP) 3. NATO-Russia Council (NRC) "at 27" 4. Euro Atlantic Partnership Council (EAPC)	pages 4 and 6 of the EU report pages 20 and 21 of the report

OP 2 - Biological Weapons (BW)

State: **Germany**

Date of Report: **26 October 2004**

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1	manufacture/produce	X	1. Implementation Act on the BWC 2. War Weapons Control Act	X	War Weapons Control Act of 1961	pages 5 and 6 of the report
2	acquire	X		X		
3	possess	X	War Weapons Control Act of 1961	X		
4	stockpile/store	X	1. Implementation Act on the BWC 2. War Weapons Control Act	X		
5	develop	X		X		
6	transport	X	War Weapons Control Act of 1961	X		
7	transfer	X		X		
8	use	x	**War Weapons Control Act**	x	War Weapons Control Act (1961)	pages 4 and 5 of the report
9	participate as an accomplice in a.m. activities	x	**War Weapons Control Act**	x	War Weapons Control Act (1961)	pages 4 and 5 of the report
10	assist in a.m. activities	X	War Weapons Control Act of 1961	X	War Weapons Control Act of 1961	pages 5, 6 and 14 of the report
11	finance a.m. activities	X	1. War Weapons Control Act of 1962 2. Financial Market Promotion Act of 01 July 2002 3. Money Laundering Prevention Act of 08 August 2002	X		
12	a.m. activities related to means of delivery	X	1. Implementation Act on the BWC 2. War Weapons Control Act	X		
13	involvement of non-State actors in a.m. activities	X	War Weapons Control Act of 1961	X		
14	Other			X	*War Weapons Control Act of 1961 para 21 extraterritorial applicability to German nationals*	*http://www.opcw.org/docs/s25 9_01Annex_Survey_of_legislat ion.pdf*

OP 2 - Chemical Weapons (CW)

State: **Germany**
Date of Report: 26 October 2004

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1	manufacture/produce	X	War Weapons Control Act	X	War Weapons Control Act of 1961	pages 5 and 6 of the report
2	acquire	X		X		
3	possess	X		X		
4	stockpile/store	X		X		
5	develop	X		X		
6	transport	X		X		
7	transfer	X		X		
8	use	X	**War Weapons Control Act**	X	War Weapons Control Act (1961)	pages 4 and 5 of the report
9	participate as an accomplice in a.m. activities	X	**War Weapons Control Act**	X	War Weapons Control Act (1961)	pages 4 and 5 of the report
10	assist in a.m. activities	X	War Weapons Control Act of 1961	X	War Weapons Control Act of 1961	pages 5, 6 and 14 of the report
11	finance a.m. activities	X	1. War Weapons Control Act of 1962 2. Financial Market Promotion Act of 01 July 2002 3. Money Laundering Prevention Act of 08 August 2002	X		
12	a.m. activities related to means of delivery	X	War Weapons Control Act of 1961	X		
13	involvement of non-State actors in a.m. activities	X	War Weapons Control Act of 1961	X		
14	Other			X	*War Weapons Control Act of 1961, para 21 extraterritorial applicability to German nationals*	*http://www.opcw.org/docs/s259_01Annex_Survey_of_legislation.pdf*

OP 2 - Nuclear Weapons (NW)

State: **Germany**
Date of Report: **26 October 2004**

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	If YES, indicate source document of national implementation law	YES	If YES, indicate source document	
1	manufacture/produce	X	War Weapons Control Act	X	War Weapons Control Act of 1961	pages 5, 6 and 7 of the report
2	acquire	X		X		
3	possess	X		X		
4	stockpile/store	X		X		
5	develop	X		X		
6	transport	X		X		
7	transfer	X		X		
8	use	X	**War Weapons Control Act**	X	Penal Code	page 6 of the report
9	participate as an accomplice in a.m. activities	X	**War Weapons Control Act**	X	*War Weapons Control Act*	page 6 of the report
10	assist in a.m. activities	X	War Weapons Control Act of 1961	X	War Weapons Control Act of 1961	pages 5, 6 and 14 of the report
11	finance a.m. activities	X	1. War Weapons Control Act of 1962 2. Financial Market Promotion Act of 01 July 2002 3. Money Laundering Prevention Act of 08 August 2002	X		
12	a.m. activities related to means of delivery	X	War Weapons Control Act of 1961	X		
13	involvement of non-State actors in a.m. activities	X	War Weapons Control Act of 1961	X		
14	Other			X	*War Weapons Control Act of 1961, para 21 extraterritonal applicability to German nationals*	*http://www.opcw.org/docs/s25 9_01Annex_Survey_of_legislat ion.pdf*

OP 3 (a) and (b) - Account for/Secure/Physically protect BW including Related Materials

State: **Germany**

Date of Report: **26 October 2004**

	Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
		YES	If YES, indicate source document	YES	If YES, indicate source document	
1	Measures to account for production	X	1. No accounting for BW as they are prohibited 2. CWC Implementation Ordinance: Schedule I toxins	X	CWC Implementation Ordinance: Schedule I toxins	pages 7 and 8 of the report
2	Measures to account for use	X		X		
3	Measures to account for storage	X		X		
4	Measures to account for transport	X		X		
5	Other measures for accounting					
6	Measures to secure production	X	*1. Biological Agents Ordinance* *2. Technical Regulations for Biological agents (TRBA)* 3. Directive 2000/54/EC			page 10 of the EU report http://www.auswaertiges-amt.de/www/en/infoservice/download/pdf/friedenspolitik/abruestung/questionnaire.pdf
7	Measures to secure use	X				
8	Measures to secure storage	X				
9	Measures to secure transport	X	1. Council Directives 94/55/EEC and 96/49/EEC 2. European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR) and national regulations on the transport by road, rail, sea and inland waterways	X	Party to ARD and RID Agreements	page 7 of the report pages 10 and 11 of the EU report
10	Other measures for securing	X	Transfers only allowed between authorized persons/facilities: 1. Protection against Infection Act 2. Animal Disease Act	X	Revocation/withdrawal of authorization and/or fines	page 10 of the report

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11	Regulations for physical protection of facilities/materials/ transports	X	Biostoff-VO (BGBl I, 1999,50 and EU directives on the protection of workers from risks related to exposure to biological agents at work (1999)			
12	Licensing/registration of facilities/persons handling biological materials	X	1. Protection against Infection Act 2. Animal Disease Act 3. Genetic Engineering Act 4. Biological Agents Ordinance	X	Revocation/withdrawal of authorization and/or fines	pages 8 and 10 of the report
13	Reliability check of personnel	X	1. Protection against Infection Act 2. Animal Disease Act 3. Plant Protection Act			page 10 of the report
14	Measures to account for/secure/ physically protect means of delivery	X	1. War Weapons Control Act 2. Second Implementation Ordinance to the War weapons Control Act 3. War Weapons Recording Ordinance of 24 January 1995	X	Stock levels and changes must be reported to enter war weapons register, additional reporting for import and export of certain missiles	page 8 of the report
15	Regulations for genetic engineering work	X	Genetic Engineering Act			page 10 of the report
16	Other legislation/ regulations related to safety and security of biological materials	X	Comittee on Biological Working Material (Ausschuss Biologische Arbeitsstoffe (ABAS)); BArbBl 4/02, p. 139-140 (www.baua.de/prax/abas)			
17	Other					

OP 3 (a) and (b) - Account for/Secure/Physically protect CW including Related Materials

State: Germany

Date of Report: 26 October 2004

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
		YES	If YES, indicate source document	YES	If YES, indicate source document	
1	Measures to account for production	X	1. No accounting for CW as they are prohibited 2. CWC Implementation Ordinance	X	CWC Implementation Ordinance	pages 7 and 8 of the report
2	Measures to account for use	X		X		
3	Measures to account for storage	X		X		
4	Measures to account for transport	X		X		
5	Other measures for accounting					
6	Measures to secure production	X	1. CWC Implementation Act 2. Directive 98/24/EC	X	Licensee has to take steps to prevent the chemicals going astray or being used by unauthorized persons; violation is punishable	pages 8 and 10 of the report page 10 of the EU report
7	Measures to secure use	X		X		
8	Measures to secure storage	X		X		
9	Measures to secure transport	X	1. Council Directives 94/55/EEC and 96/49/EEC 2. European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR) and national regulations on the transport by road, rail, sea and inland waterways	X	Party to ADR and RID Agreements	page 7 of the report pages 10 and 11 of the EU report
10	Other measures for securing	X	1. Ordinance on dangerous goods dated 23 Dec 2004; 2. Accord européen relatif au transport international des marchandises dangereuses par route (01 Jan 2005)			

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11	Regulations for physical protection of facilities/materials/ transports					
12	Licensing of chemical installations/entities/use of materials	X	CWC Implementation Act in conjunction with CWC Implementation Ordinance	X	CWC Implementation Act in conjunction with CWC Implementation Ordinance	pages 8 and 10 of the report
13	Reliability check of personnel	X	*CWC Implementation Ordinance*			*http://www.bafa.de/1/en/tasks/export/cwc.htm*
14	Measures to account for/secure/ physically protect means of delivery	X	1. War Weapons Control Act 2. Second Implementation Ordinance to the War weapons Control Act 3. War Weapons Recording Ordinance of 24 January 1995	X	1. War Weapons Control Act, para 22a 2. Stock levels and changes must be reported to enter war weapons register, additional reporting for import and export of certain missiles	pages 7 and 8 of the report
15	National CWC authority	X	**CWC Implementation Act and Ordinance**	X	CWC Implementation Act in conjunction with CWC	
16	Reporting Schedule I, II and III chemicals to OPCW	X	**CWC Implementation Act and Ordinance**	X	CWC Implementation Act in conjunction with CWC	
17	Account for, secure or physically protect old chemical weapons	X	1. Law on Explosives in conjunction with 1st and 2nd Ordinance Pertaining to the Law on Explosives and with pertinent regulations on storage of explosives 2. Hazardous Substances Ordinance handling of the chemical fill			page 10 of the report
18	Other legislation/ regulations controlling chemical materials					
19	Other					

OP 3 (a) and (b) - Account for/Secure/Physically protect NW including Related Materials

State: Germany

Date of Report: 26 October 2004

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
		YES	If YES, indicate source document	YES	If YES, indicate source document	
1	Measures to account for production	X	1. No accounting for NW as they are prohibited 2. Radiation Protection Ordinance specify activity and type	X	Anyone authorized to handle radioactive materials must keep detailed records	pages 7 and 9 of the report
2	Measures to account for use	X		X		
3	Measures to account for storage	X		X	Waste only to be disposed in Federal repositories or State waste-collecting facilities	
4	Measures to account for transport	X		X	Radioactive waste to be registered electronically and notified prior to shipment	
5	Other measures for accounting	X		X	Anyone authorized to handle radioactive materials must keep detailed records	
6	Measures to secure production	X	1. Council Directives 94/55/EEC and 96/49/EEC for transports only 2. Based on the principles of graded approach and defence-in-depth as required by the Fundamental Principles and Objectives of Physical Protection endorsed by IAEA a set of classified guidelines (structural, technical, personnel-based and administrative) exists complemented by the General Administrative Provision on the Protection of Classified Information	X	1. Directive 92/3 EURATOM: prior notification of shipments 2. Protective measures to be implemented by the licensee as specified in laws, ordinances and authority guidelines plus protective measures by State response forces; if licensee fails to meet obligation, the national legal instruments specify sanctions (revocation/ withdrawal of licence or fines)	page 9 of the report pages 10 and 11 of the EU report
7	Measures to secure use	X		X		
8	Measures to secure storage	X		X		
9	Measures to secure transport	X		X		
10	Other measures for securing	X		X		
11	Regulations for physical protection of facilities/materials/ transports	X		X		

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12	Licensing of nuclear installations/entities/use of materials	X	Atomic Energy Act: License required for import, export, transport, possession, treatment, processing, other use, storage, disposal	X	Regulatory supervision by competent national authorities	page 9 of the report
13	Reliability check of personnel	X	Ordinance on the Verification of Trustworthiness for Protecting Against the Diversion or Major Release of Radioactive Material			page 9 of the report
14	Measures to account for/secure/ physically protect means of delivery	X	1. War Weapons Control Act 2. Second Implementation Ordinance to the War weapons Control Act 3. War Weapons Recording Ordinance of 24 January 1995	X	1. War Weapons Control Act, para 22 a 2. Stock levels and changes must be reported to enter war weapons register, additional reporting for import and export of certain missiles	pages 7 and 8 of the report
15	National regulatory authority	X	*1. Ministry for the Environment, Nature Conservation and Nuclear Safety: guidelines* *2. Competent Ministry of the Land (Federal State): licensing and supervision*			*http://www.bmu.de/files/pdfs/allgemein/application/pdf/nuclear_safety.pdf*
16	IAEA Safeguards Agreements	X	1. Safeguards Agreement EURATOM - IAEA (INFCIRC 193) 2. Additional Protocol (INFCIRC 540)			page 8 of the EU report
17	IAEA Code of Conduct on Safety and Security of Radioactive Sources	X	Act on the Control of High Radioactive Sealed Sources of 12 August 2005			page 9 of the report
18	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources	X	*Contributes to Database Programme*			*http://www.iaea.org/About/Policy/GC/GC42/Documents/gc42-17.html*
19	Other Agreements related to IAEA					
20	Additional national legislation/regulations related to nuclear materials including CPPNM	X	Additional physical protection measures for trans-boundary shipments as prescribed by CPPNM have been implemented			page 9 of the report
21	Other	X	Atomic Energy Act to be amended for the creation of an electronic register for high-activity sealed radioactive sources			page 9 of the report

OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of BW including Related Materials

State: Germany
Date of Report: 26 October 2004

	Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials ? Can violators be penalized ?	National legal framework: YES	National legal framework: if YES, indicate source document	Enforcement: civil/criminal penalties, and measures of implementation, etc: YES	Enforcement: civil/criminal penalties, and measures of implementation, etc: If YES, indicate source document	Remarks
1	Border control	X	1. Council Regulation (EC) No. 2913/1992 (Community Customs Code) 2. Commission Regulation No. 2454/1993 (Implementing Provisions to the Community Customs Code) 3. Customs Administration Act			page 12 of the EU report page 15 of the report
2	Technical support of border control measures	X	1. Council Regulation (EC) No. 2913/1992 (Community Customs Code), art. 4 No. 14, art. 13 and art. 68 2. Customs Administration Act, section 10 ff.			
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	1. War Weapons Control Act, sections 4a and 17 ff 2. Foreign Trade and Payments Ordinance: license required	X	War Weapons Control Act	pages 10, 11 and 12 of the report
4	Enforcement agencies/authorities	X	Customs Administration Act, Section 12 a	X	Customs, Federal Border Control Police, criminal authorities, etc. involved in controlling/prosecuting money laundry activities	page 15 of the report
5	Export control legislation in place	X	1. Council Regulation (EC) No 1334/2000 of 22 June 2000 2. Foreign Trade and Payments Act	X	Export without prior authorization is punishable	pages 11, 12 and 13 of the report
6	Licensing provisions	X	3. Foreign Trade and Payments Ordinance	X		

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7	Individual licensing	X	1. Council Regulation (EC) No 1334/2000 of 22 June 2000 2. Foreign Trade and Payments Act 3. Foreign Trade and Payments Ordinance	X	Export without prior authorization is punishable	page 13 of the report
8	General licensing	X	Community General Export Authorization (Council Regulation (EC) No 1504/2004			pages 14 and 15 of the EU report
9	Exceptions from licensing	X	Within the Community free circulation			page 14 of the EU report
10	Licensing of deemed export/visa	X	Section 45 of Foreign Trade and Payments Ordinance, referring to technical assistance, visa screening system established	X	Export without prior authorization is punishable	
11	National licensing authority	X	Federal Office of Economics and Export Control (BAFA)			page 13 of the report
12	Interagency review for licenses	X	Interministerial export committee representing various ministries and competent authorities			page 13 of the report
13	Control lists	X	1. Annex I of the EC Regulation 2. Country/destination list 3. Lists of names (anti-terrorist regulations)			pages 11 and 13 of the report
14	Updating of lists	X	Ongoing checks and updates			page 15 of the report
15	Inclusion of technologies	X	Technological support services, transfer of know-how			page 11 of the report
16	Inclusion of means of delivery	X	1. War Weapons Reporting Ordinance 2. War Weapons Control Act, section 2 ff	X	War Weapons Control Act	pages 6, 8, 11 and 12 of the report
17	End-user controls	X	Grant applications only if examination of the final recipient reveals no proliferation risk			page 13 of the report
18	Catch all clause	X	Foreign Trade and Payments Act, section 2, para 2: Unlisted dual-use items may also require a licence			pages 12 and 13 of the report
19	Intangible transfers	X	Section 45 of Foreign Trade and Payments Ordinance	X	Export without prior authorization is punishable	page 11 of the report

20	Transit control	X	Foreign Trade and Payments Ordinance			pages 11 and 13 of the report
21	Trans-shipment control	X	1. Foreign Trade and Payments Act 2. Subject to licensing: means of delivery			page 11 and 13 of the report
22	Re-export control	X	Subject to licensing: means of delivery			
23	Control of providing funds	X	War Weapons Control Act	X	Providing financial support or transport services is punishable if deemed to contribute to unauthorized export, re-export or transit	page 13 of the report
24	Control of providing transport services	X	War Weapons Control Act	X		
25	Control of importation	X	*1. Protection against Infection Act* *2. Animal Infectious Disease Act* *3. Plant Protection Act* *4. War Weapons Control Act* *5. CWC Implementation Ordinance: Ricin, Saxitoxin* 6. War Weapons Reporting Ordinance	X	*1. Protection against Infection Act* *2. Animal Infectious Disease Act* *3. Plant Protection Act* *4. War Weapons Control Act* *5. CWC Implementation Ordinance: Ricin, Saxitoxin*	page 8 of the report *http://www.auswaertiges-amt.de/www/en/infoservice/download/pdf/friedenspolitik/abruestung/questionnaire.pdf*
26	Extraterritorial applicability	X	War Weapons Control Act		War Weapons Control Act of 1961, para 21:extraterritorial applicability for German nationals	http://www.opcw.org/docs/s259_01Annex_Survey_of_legislation.pdf
27	Other	X	Controls include technical assistance outside of Germany			pages 4 and 11 of the report

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OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of CW including Related Materials

State: Germany

Date of Report: 26 October 2004

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Border control	X	1. Council Regulation (EC) No. 2913/1992 (Community Customs Code) 2. Commission Regulation No 2454/1993 (Implementing Provisions to the Community Customs Code) 3. Customs Administration Act			page 12 of the EU report page 15 of the report
2	Technical support of border control measures	X	1. Council Regulation (EC) No 2913/1992 (Community Customs Code), art. 4 No. 14, art. 13 and art 68 2. Customs Administration Act, section 10 ff.			
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	1. War Weapons Control Act, sections 4a and 17 ff 2. Foreign Trade and Payments Ordinance: license required	X	War Weapons Control Act	pages 10, 11 and 12 of the report
4	Enforcement agencies/authorities	X	Customs Administration Act, Section 12 a	X	Customs, Federal Border Control Police, criminal authorities, etc involved in controlling/prosecuting money laundry activities	page 15 of the report
5	Export control legislation in place	X	1. Council Regulation (EC) No 1334/2000 of 22 June 2000 2. Foreign Trade and Payments Act	X	Export without prior authorization is punishable	pages 11, 12 and 13 of the report
6	Licensing provisions	X	3. Foreign Trade and Payments Ordinance	X		

7	Individual licensing	X	1. Council Regulation (EC) No 1334/2000 of 22 June 2000 2. Foreign Trade and Payments Act 3. Foreign Trade and Payments Ordinance	X	Export without prior authorization is punishable	page 13 of the report
8	General licensing	X	Community General Export Authorization (Council Regulation			pages 14 and 15 of the EU report
9	Exceptions from licensing	X	Within the Community free circulation			page 14 of the EU report
10	Licensing of deemed export/visa	X	Section 45 of Foreign Trade and Payments Ordinance, referring to technical assistance; visa screening system established	X	Export without prior authorization is punishable	
11	National licensing authority	X	Federal Office of Economics and Export Control (BAFA)			page 13 of the report
12	Interagency review for licenses	X	Interministerial export committee representing various ministries and competent authorities			page 13 of the report
13	Control lists	X	1. Annex I of the EC Regulation 2. Country/destination list 3. Lists of names (anti-terrorist regulations)			pages 11 and 13 of the report
14	Updating of lists	X	Ongoing checks and updates			page 15 of the report
15	Inclusion of technologies	X	Technological support services, transfer of know-how			page 11 of the report
16	Inclusion of means of delivery	X	1. War Weapons Reporting Ordinance 2. War Weapons Control Act, section 2 ff	X	War Weapons Control Act	pages 6, 8, 11 and 12 of the report
17	End-user controls	X	Grant applications only if examination of the final recipient reveals no proliferation risk			page 13 of the report
18	Catch all clause	X	Foreign Trade and Payments Act, section 2, para 2: Unlisted dual-use items may also require a licence			pages 12 and 13 of the report
19	Intangible transfers	X	Section 45 of Foreign Trade and Payments Ordinance	X	Export without prior authorization is punishable	page 11 of the report
20	Transit control	X	Foreign Trade and Payments Ordinance			pages 11 and 13 of the report

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21	Trans-shipment control	X	1. Foreign Trade and Payments Act 2. Subject to licensing: means of delivery			page 11 and 13 of the report
22	Re-export control	X	Subject to licensing: means of delivery			
23	Control of providing funds	X	War Weapons Control Act	X	Providing financial support or transport services is punishable if deemed to contribute to unauthorized export, re-export or transit	page 13 of the report
24	Control of providing transport services	X	War Weapons Control Act	X		
25	Control of importation	X	1. *CWC Implementation Ordinance* 2. War Weapons Reporting Ordinance	X	*CWC Implementation Ordinance*	page 6 of the report *http://www.bafa.de*
26	Extraterritorial applicability	X	War Weapons Control Act	X	War Weapons Control Act of 1961, para 21 extraterritorial applicability for German nationals	http://www.opcw.org/docs/s259_01Annex_Survey_of_legislation.pdf
27	Other	X	Controls include technical assistance outside of Germany			pages 4 and 11 of the report

OP 3 (c) and (d) and related matters from OP 6, and OP 10 - Controls of NW including Related Materials

State: Germany

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	Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Border control	X	1. Council Regulation (EC) No 2913/1992 (Community Customs Code) 2. Commission Regulation No 2454/1993 (Implementing Provisions to the Community Customs Code) 3. Customs Administration Act			page 12 of the EU report page 15 of the report
2	Technical support of border control measures	X	1. Council Regulation (EC) No 2913/1992 (Community Customs Code), art. 4 No. 14, art. 13 and art. 68 2. Customs Administration Act, section 10 ff.			
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	1. War Weapons Control Act, sections 4a and 17 ff 2. Foreign Trade and Payments Ordinance: license required	X	1. War Weapons Control Act 2. Penal Code	pages 6, 10, 11 and 12 of the report
4	Enforcement agencies/authorities	X	Customs Administration Act, Section 12 a	X	Customs, Federal Border Control Police, criminal authorities, etc involved in controlling/prosecuting money laundry activities	page 15 of the report
5	Export control legislation in place	X	1. Council Regulation (EC) No 1334/2000 of 22 June 2000 2. Foreign Trade and Payments Act	X	Export without prior authorization is punishable	pages 5, 11, 12 and 13 of the report
6	Licensing provisions	X	3. Foreign Trade and Payments Ordinance 4. Atomic Energy Act	X		

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7	Individual licensing	X	1. Council Regulation (EC) No 1334/2000 of 22 June 2000 2. Foreign Trade and Payments Act 3. Foreign Trade and Payments Ordinance 4. Atomic Energy Act		Export without prior authorization is punishable	page 13 of the report
8	General licensing	X	Community General Export Authorization (Council Regulation (EC) No 1504/2004			page s 14 and 15 of the EU report
9	Exceptions from licensing	X	Within the Community free circulation			page 14 of the EU report
10	Licensing of deemed export/visa	X	Section 45 of Foreign Trade and Payments Ordinance, referring to technical assistance, visa screening system established	X	Export without prior authorization is punishable	
11	National licensing authority	X	Federal Office of Economics and Export Control (BAFA)			page 13 of the report
12	Interagency review for licenses	X	Interministerial export committee representing various ministries and competent authorities			page 13 of the report
13	Control lists	X	1. Annex I of the EC Regulation 2. Country/destination list 3. Lists of names (anti-terrorist regulations)			pages 11 and 13 of the report
14	Updating of lists	X	Ongoing checks and updates			page 15 of the report
15	Inclusion of technologies	X	Technological support services, transfer of know-how			page 11 of the report
16	Inclusion of means of delivery	X	1. War Weapons Reporting Ordinance 2. War Weapons Control Act, section 2 ff	X	War Weapons Control Act	pages 8, 9, 11 and 12 of the report
17	End-user controls	X	Grant applications only if examination of the final recipient reveals no proliferation risk			page 13 of the report
18	Catch all clause	X	Foreign Trade and Payments Act, section 2, para 2. Unlisted dual-use items may also require a licence			pages 12 and 13 of the report
19	Intangible transfers	X	Section 45 of Foreign Trade and Payments Ordinance"	X	Export without prior authorization is punishable	page 11 of the report
20	Transit control	X	Foreign Trade and Payments Ordinance	X	Penal Code	pages 5, 11 and 13 of the report

21	Trans-shipment control	X	1. Foreign Trade and Payments Act 2. Subject to licensing: means of delivery			page 11 and 13 of the report
22	Re-export control	X	Subject to licensing: means of delivery			
23	Control of providing funds	X	War Weapons Control Act	X	Providing financial support or transport services is punishable if deemed to contribute to unauthorized export, re-export or transit	page 13 of the report
24	Control of providing transport services	X	War Weapons Control Act	X		
25	Control of importation	X	1. Atomic Energy Act: import subject to licensing 2. War Weapons Reporting Ordinance	X	Penal Code	pages 5, 6, 8 and 9 of the report
26	Extraterritorial applicability	X	War Weapons Control Act	X	War Weapons Control Act of 1961, para 21 extraterritorial applicability for German nationals	http://www.opcw.org/docs/s259_01Annex_Survey_of_legislation.pdf
27	Other	X	Controls include technical assistance outside of Germany			pages 4 and 11 of the report

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OP 6, 7 and 8 (d) - Control lists, Assistance, Information

State: **Germany**

Date of Report: **26 October 2004**

	Can information be provided on the following issues ?	YES		Remarks
1	Control lists - items (goods/ equipment/materials/technologies)	X	Control lists contain all items classified as worthy of control in the international export control regimes, the competent European Union bodies and the Federal Government; lists are subject to ongoing checks and updates	page 15 of the report
2	Control lists - other	X	1. Country and destination list 2. List of names in the various anti-terrorism regulations	pages 11 and 13 of the report
3	Assistance offered	X	1. Government supports bilaterally through its implementing agencies the establishment and further development of national export control systems . This support shall be maintained and partly expanded. 2. On the occasion of the meeting of State Parties to the BTWC Germany offered to assist in implementing prohibition and export control obligations pursuant to BTWC.	page 16 of the report
4	Assistance requested			
5	Assistance in place (bilateral/plurilateral/multilateral)	X	Extended CWC implementation assistance and assistance to several countries in developing export control systems. Within the G8 Global Partnership against the Spread of WMD Germany currently supports three projects in the Russian Federation (CW-destruction, storage for reactor compartments of submarines, protection of nuclear sites, including for nuclear weapons); support of the nuclear window of the "Northern Dimension Environmental Partnership"	pages 15 and 16 of the report
6	Information for industry	X	Regular information days and expert discussions with the economic sector.	page 19 of the report
7	Information for the public	X	The Federal Ministries and the BAFA have published pamphlets and information sheets to be read and downloaded from respective websites (from legal texts to explanation of administrative practice).	page 19 of the report